IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4568 OF 2004
IN
CRIMINAL APPEAL NO. 1117 OF 2004

Raju @ Rajkumar Mulchand Gupta. .. Applicant

Vs

The State of Maharashtra. .. Respondent

Mr. Indrajeet Joshi for the applicant.

Ms. P.H. Kantharia, APP, for the respondent-State.

CORAM: S.B. MHASE &
ANOOP V. MOHTA, JJ.

DATED: 09TH DECEMBER, 2004

P.C.:

1. Heard.

2. Mr. Indrajeet Joshi for the appellant. The death of the wife has been caused by throttling. It is a custodial death. No proper explanation is coming forward, except a feeble attempt of alibi. There was a sugarcane crushing shop of the applicant which is at a distance of ten minutes' walk from his residence.

3. Ms. Kantharia, learned APP, rightly contended

that when the incidence has taken place in the house of the accused, the outside witnesses are not expected and it is for the accused to explain as to how the death occurred. We find force in this statement. During the trial also, the applicant was not on bail. Now, the guilt has been proved.

4. No case is made out for suspension of the sentence and grant of bail. Application rejected.

[ANOOP V. MOHTA, J.] **[S.B. MHASE, J.]**

[srpasha@hc]